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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,941	11/25/2003	Franklin G. Ascarrunz	DN 1539	6897
26483	7590	05/19/2005	EXAMINER	
ANCEL W. LEWIS, JR. 425 WEST MULBERRY SUITE 101 FORT COLLINS, CO 80521			CHOE, HENRY	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,941

Applicant(s)

ASCARRUNZ ET AL

Examiner

Henry K. Choe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

Claim 1 is still rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (Fig. 1) (of record) for reasons of record.

Claim Rejections - 35 USC § 103

Claim 13 is still rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox (Fig. 1) in view of Sakai (Fig. 1) (of record) for reasons of record.

Claim 14 is still rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi (Fig. 1) in view of Sakai (Fig. 1) (of record) for reasons of record.

Allowable Subject Matter

Claims 2-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

Claims 10-12 are allowed.

Response to Arguments

Applicant's arguments filed 5/9/05 have been fully considered but they are not persuasive.

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Applicant argues that Sakai does not disclose a means for isolating amplifier generated noise and the structure for the means for isolating amplifier generated noise including first circuit 15 comprising the directional first and second couplers 25 and 26 and the first and second modulators 27 and 28 and the first combiner 29 and the error amplifier 30 and the directional first coupler 25 is connected between the input port 12 and the input 21 of the primary amplifier 14 and the directional second coupler 26 is connected between the output 22 of the primary amplifier 14 and the output port 13 and the first modulator 27 is shown as a variable delay unit and connects to the first coupler 25 and the second modulator 28 is shown as a variable attenuator and variable phase shifter and connects to the second coupler 26 and the first combiner 29 connects to the first and second modulators 27 and 28 and the error amplifier 30 connects to the first combiner 29. While the examiner acknowledges that the specific features argued by applicant's are not explicitly disclosed in Sakai's reference, it should be noted that such features, as argued by applicants, have not been positively recited in claim 1. Therefore, applicant's arguments are not commensurate with what is actually claimed. According to MPEP 2111, during patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. You read the claims in light of the specification. But you do not incorporate the limitations in the specification into the claims. We only give patentable weight to the limitations positively recited in the claims. We absolutely don't give patentable weight to the limitations recited in the specification but not positively recited in the claims. If applicant wants patentable weights given to the term such as "first circuit means", "second circuit means" and "third circuit means" then such terms must be clearly defined in the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Choe whose telephone number is (571) 272-1760.

A handwritten signature in black ink, appearing to read "H. Choe", with a long horizontal stroke extending to the right.

HENRY CHOE
PRIMARY EXAMINER